**UNITED NATIONS** **E**

**Economic and Social Council**

Distr.
GENERAL

E/CN.4/2001/SR.3
26 March 2001

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS

Fifty-seventh session

SUMMARY RECORD OF THE 3rd MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 20 March 2001, at 3 p.m.

Chairperson: Mr. DESPOUY (Argentina)

CONTENTS

STATEMENT BY THE MINISTER FOR FOREIGN AFFAIRS OF PORTUGAL

ORGANIZATION OF THE WORK OF THE SESSION (continued)

REPORT OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS AND FOLLOW-UP TO THE WORLD CONFERENCE ON HUMAN RIGHTS

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Commission at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.01-12005 (E)

The meeting was called to order at 3.10 p.m.

STATEMENT BY THE MINISTER FOR FOREIGN AFFAIRS OF PORTUGAL

1. Mr. GAMA (Portugal), having expressed his Government's appreciation of the work carried out by the United Nations High Commissioner for Human Rights over the past three years and his conviction that her commitment to the protection and promotion of human rights throughout the world would continue, said that he wished to reaffirm the importance Portugal attached to the protection of human rights, which were inalienable and flowed from the dignity of the human being.

2. Action by the State and the international community for the promotion of human rights was essential, however. In the case of economic, social and cultural rights, which had evolved after the "first generation" of rights, State action was required not only to protect them but also to create the conditions for their fulfilment at both the domestic and international levels.

3. His Government saw human rights as an essential guiding principle in shaping its policies. Consequently, it strove for the universal abolition of the death penalty, as a fundamental contribution to the enhancement of human dignity.

4. Human rights violations continued to occur in many regions and countries. The international community could not stand idly by. Only constant and persistent action could prevent such violations; that was the very raison d'être of the Commission. In that connection, it was important not to neglect what could be done through education to promote a culture of tolerance and respect, to help new generations to recognize their own rights and those of others, and to avoid the recurrence of past errors. His delegation would be introducing a specific resolution on the right to education at the current session, as well as its traditional resolution on the realization of economic, social and cultural rights.

5. Turning to specific situations, he said that there were still several issues to be resolved in East Timor. It was important to promote accountability, full disclosure of the truth and national reconciliation. The situation of the refugees in West Timor still gave rise to deep concern, since they lacked food, shelter and basic sanitary conditions. Many were still deprived of the right to exercise the choice of returning to their land. In addition, militia groups remained active, intimidating refugees and even attempting to infiltrate East Timor. He trusted that the Commission would remain seized of the matter until a satisfactory outcome was achieved. The Commission should also pay particular attention to the situation in the Middle East, especially Palestine. It was important that a balanced approach should be maintained while efforts to achieve a lasting solution continued.

6. He wished to draw attention to the situation of eight Portuguese citizens who had been taken hostage in the Angolan province of Cabinda. That was an intolerable action, which flagrantly violated both human rights and humanitarian law. His Government appealed for their immediate release and asked for the solidarity and support of the Commission and the international community.

7. The forthcoming World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance would provide a unique opportunity to contribute to the progress of mankind. His country's commitment to the fight against racism and racial discrimination was demonstrated by its policies and by its comprehensive legal system, which provided ample protection for all those subjected to racial discrimination.

8. His Government constantly sought to promote and defend human rights, both within the European Union and in other multilateral organizations. In that spirit, the Portuguese delegation would continue to work within the Commission.

ORGANIZATION OF THE WORK OF THE SESSION (agenda item 3) (continued) (E/CN.4/2001/12; E/CN.4/2001/CRP.1 and 2)

9. Mr. AKRAM (Pakistan), speaking on behalf of the States members of the Organization of the Islamic Conference (OIC), said that, in accordance with the precepts of Islam, the countries he was representing accorded primacy to the promotion of human rights and to a culture of peace and of tolerance for other religions and civilizations. The Commission's work could, however, be improved. The inter-sessional open-ended working group on enhancing the effectiveness of the mechanisms of the Commission had addressed that issue and the OIC would appreciate an exercise to evaluate its impact in improving the Commission's work.

10. The OIC had consistently condemned the violations of human rights in the occupied Palestinian territories, the Syrian Golan, the Lebanese territory occupied by Israel, Kosovo, Jammu and Kashmir, Bosnia and Herzegovina, as well as the Armenian aggression against Azerbaijan and the inhuman isolation imposed on the Turkish Cypriot people. In particular, the unabated violations of the human rights of the Palestinian people by the Israeli defence forces continued to evoke deep concern in the Islamic world.

11. The Commission should give priority at its current session to putting an end to those violations and to the grave breaches of humanitarian law, which had been referred to in the reports of the United Nations High Commissioner for Human Rights (E/CN.4/2001/114), the human rights inquiry commission (E/CN.4/2001/121) and the Special Rapporteur (E/CN.4/2001/30). The convening and outcome of the fifth special session of the Commission had been a manifestation of the international community's deep concern and it was disturbing to note that the implementation of the resolution adopted at that session had not received due attention. It was regrettable, moreover, that only four special rapporteurs had expressed an interest in visiting the region and he urged all the special mechanisms to arrange visits to Israel and to the occupied Palestinian territories.

12. The OIC was opposed to politically motivated country-specific resolutions. If they were deemed essential, they should be proposed only in cases where there was proof of gross and consistent human rights violations. Moreover, consensus should be sought wherever possible. The presentation of resolutions against a number of Islamic countries year after year could be interpreted as a built-in bias against the world of Islam; greater restraint would serve to increase harmony among the different groups in the Commission. One OIC member had had its human rights situation considered for 18 years, despite its progressive development of human rights.

13. The availability of all documents in good time was an important requirement for informed debate. There should be no deviation from the rule regarding the availability of country reports by special rapporteurs six weeks prior to the consideration of the relevant item. The reports should respect the 32-page limit and should integrate the responses of the countries concerned. They should also be written objectively, without aiming to condemn specific countries.

14. He noted that some special rapporteurs and special representatives had tended to misinterpret their mandates. They should accord equal importance to all aspects of the mandate in question and avoid selective reporting. The practice of presenting joint reports also needed careful consideration. In that context, he requested a progress report on the possible code of conduct for experts on mission, in conformity with Commission decision 2000/109.

15. Many OIC members had small delegations. He therefore urged that information concerning negotiations on resolutions - which should be conducted transparently - be made available at least 24 hours in advance. He reaffirmed the Organization's appreciation of the important role played by non-governmental organizations (NGOs) in the Commission. In view of the rapid increase in their numbers, however, they should make joint statements, thus enabling more such organizations to participate and saving precious time and resources. Similarly, self-restraint in the presentation of resolutions would be welcome. In cases where developments were slow, resolutions could be biennialized. Consideration should also be given to reducing the duration of the Commission's sessions from six to four weeks.

16. Lastly, the OIC deeply respected the think-tank role of the Sub-Commission on the Promotion and Protection of Human Rights and would resist any attempts to marginalize its role. The Sub-Commission had, most commendably, managed to restrict its session to three weeks and had tried to avoid duplication of the work being conducted by the Commission itself.

17. Mr. SUTOYO (Indonesia), speaking also on behalf of the like-minded countries of Algeria, Bangladesh, Bhutan, China, Cuba, Egypt, India, the Islamic Republic of Iran, Malaysia, Myanmar, Nepal, Pakistan, the Philippines, Sri Lanka, the Sudan and Viet Nam, said that it was time for the world community to draw some lessons from its activities in the field of human rights, especially as the cold war had been over for almost a decade. It was a matter of concern that politicization, confrontation, selectivity and double standards continued to prevail within the Commission. Statements, including some by dignitaries, were often politically motivated. Such practices, which were rarely seen in other forums of the United Nations system, should be avoided, for they ran counter to the purposes and principles of the Charter of the United Nations.

18. The like-minded countries commended the fact that the imbalance between civil and political rights, on the one hand, and social and cultural rights and the right to development, on the other, was being redressed to some extent. It was, however, an issue of the utmost significance and more could be done. It was worrying that the Commission persisted with its usual procedures. With its extended meetings, the session essentially dragged on for more than six weeks. Although some draft resolutions had been biennialized, other initiatives had emerged, some of which lacked transparency. The frequent practice of parallel consultations during the session made it difficult for smaller delegations to be fully involved. He called for prompt and effective steps to be taken to address all those issues.

19. The like-minded countries welcomed the participation of NGOs in the Commission's work but they should act in accordance with Economic and Social Council resolution 1996/31. There should also be a code of conduct to ensure that no abuses occurred. By misleading fellow representatives, certain NGO groups continued to gather signatures for written statements for circulation within the Commission. Responsibility should be assigned to each signatory, however, and NGOs attending the Commission should not be permitted to distribute scurrilous and politically motivated material. Those not having consultative status with the Economic and Social Council should not be permitted to distribute documents inside or outside the conference hall during the session, nor should such organizations be allowed to share platforms with organizations having such status.

20. It was also important that States should abide by the rules of procedure of the Council's functional commissions. The legitimate right of States to act in accordance with those rules should be fully respected. No country was perfect in terms of human rights enjoyment. The like-minded countries wished to emphasize the importance of dialogue, cooperation and consensus building so as to increase mutual understanding. They were concerned that almost all the country-specific resolutions adopted each year by the Commission targeted developing countries. Several of the like-minded countries had had their human rights situations considered for a decade and in one case such consideration dated back 18 years, despite the fact that their efforts and achievements in the field of human rights were acknowledged by the international community. The Commission should find other approaches to the issue of human rights.

21. Mr. QIAO Zonghuai (China) said that his delegation fully endorsed the statement by the previous speaker on the agenda item. Among the important principles in the Charter of the United Nations were sovereign equality and non-interference in internal affairs. For many years, a few countries had persisted in taking on the role of judges, patronizing and pointing the finger at others, while ignoring their own problems. That approach contravened the spirit of the Charter and should be rejected by the Commission. Confrontation should be replaced by dialogue in a calm and dispassionate way but some countries still clung to the cold war mentality, which could only tarnish the Commission's credibility and poison its working atmosphere. He urged such countries to put an end to politicization and return to the track of dialogue and cooperation.

22. For many years, a lack of even-handed treatment in the Commission had resulted in greater importance being attached to civil and political rights than to social, economic and cultural rights and the right to development. Action should be taken to redress that lack of balance. Complaints had also been heard that some delegations were prevented from effective participation in the discussion of relevant items owing to the fact that Commission documents were issued late. Appropriate measures should be adopted in that regard also. The Commission should reduce its session to four weeks, but the first step must be to enhance its efficiency.

23. The rules of procedure applying to the Commission had been adopted by the Economic and Social Council in 1947, and the Council was the only body that could revise them. States had, however, the right to raise any procedural issue prior to such revision. That would guarantee the normal functioning of the Commission's work and guard against politically motivated acts.

24. Mr. AMAT FORÉS (Cuba), having endorsed the statement by the representative of Indonesia, said that his delegation also shared the views expressed by the spokesman for the Latin American-Caribbean Group, concerning document E/CN.4/2001/CRP.1, paragraph 16 of which was inappropriate and should be deleted. While intended to protect the freedom of opinion and action of the special procedures representatives, it curtailed the exercise of that freedom by the members of the Commission, to which those representatives should be accountable.

25. His delegation felt growing concern at the Commission's totally inadequate working methods. In 1997, the group of like-minded countries had invited the Commission to give the matter serious consideration but nothing had changed since then. Political manipulation, selectivity and double standards persisted and were harmful to the Commission's credibility. The very limited time available also severely affected the Commission's work. The problem was of such a magnitude that it was impossible to hide it. Within its allotted period of six weeks, the Commission had far more work to do than a decade previously, despite the fact that it had not then been required to stand host to 65 dignitaries, as at its fifty-sixth session; that two meetings had not been sacrificed then for a "special debate"; that there had not been 33 country or thematic special procedures introducing reports; that there had not been 90 countries accredited as observers; and that there had not been over 100 draft resolutions or decisions to be analysed and then put to the vote.

26. The same applied to documentation, but that problem was even more acute. At the fifty-sixth session, some 6,500 pages of documents had been submitted, 6,000 of them for consideration during the session. That staggering figure would almost certainly be surpassed at the current session. It was impossible for such quantities of documentation to be properly reviewed. Even if a proper review were possible, delegations were expected to comment on hundreds of pages in a 10-minute statement (half the time they had been allowed some years previously).

27. The problem was compounded by the frequent non-availability in due time of basic documentation. In some cases, the editorial process of key documents had not been completed, even though the general debate on the relevant item had already begun. His delegation refused to accept the continuation of that practice.

28. If that situation continued unchanged, there would be less opportunity each year to analyse documents, negotiate or participate fully in the deliberations of the Commission. The proceedings would turn into a "virtual" exercise, alien to the real world. He urged the Commission, therefore, to give careful consideration to the improvement of its working methods.

29. His delegation was also concerned about the lack of established guidelines for the preparation and organization of the so-called "special debate". States members of the Commission should have the major responsibility both for choosing the annual theme and for establishing the pool of possible participants, as was done in the other functional commissions of the Economic and Social Council.

REPORT OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS AND FOLLOW-UP TO THE WORLD CONFERENCE ON HUMAN RIGHTS (agenda item 4) (E/CN.4/2001/6, 16, 114, 133; E/CN.4/2001/NGO/27; E/CN.4/2000/12)

30. Mrs. ROBINSON (United Nations High Commissioner for Human Rights), introducing her annual report (E/CN.4/2001/16), said that it was focused almost entirely on the Commission's role in the preparations for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance. The Commission could exercise real leadership in the struggle against racism, particularly by integrating a conscious perspective of practical preparations for the Conference into its discussion of the relevant agenda items. The audience waiting for such leadership was very large and included people in many situations throughout the world.

31. It was important to build on certain understandings that had been reached with regard to the main issues to be addressed at the Conference. At such a strategic stage in the preparations, the high-level dignitaries who would be addressing the Commission at its current session were in an ideal position to build bridges between the various positions. Even in the sensitive issue area of addressing the legacy of slavery, language could be found to reflect properly the international community's horror at the injustices committed, and to express its determination that such abuses of fundamental human rights should never again be allowed.

32. The Commission should also identify concrete measures which could be immediately implemented by States as part of their national preparations for meaningful participation in the Conference. It should be guided, inter alia, by the pioneering work of the Committee on the Elimination of Racial Discrimination.

33. Certain key conventions still awaiting universal ratification were enumerated in the report. She had urged the 25 States that had not yet ratified the International Convention on the Elimination of All Forms of Racial Discrimination to do so in the months leading up to the Conference. Her Office was ready to provide assistance to those States whose ratification of human rights instruments was constrained by a lack of technical or financial resources. She also wished to urge more Sates to join the 33 which had made declarations under article 14 of that Convention. States should, however, demonstrate their serious intention to eradicate racism not only by ratifying the relevant international instruments, but also by taking practical measures to incorporate them into their national laws and policies.

34. The international community should take cognizance of contemporary trends in racism. It was a matter of concern that, despite the defeat of apartheid, certain old forms of racism persisted and that discriminatory laws and policies continued to exist in several countries. The previous decade had witnessed the outbreak of brutal racial and ethnic tensions throughout the world. Civilians, particularly women and children, had been the victims of unspeakable cruelty. In its discussion of racism, the report focused on three kinds of movement: the movement of people, the movement of information and the movement of capital.

35. In a shrinking, increasingly globalized, world, migration was likely to intensify, whether in a managed way with respect for human rights or with a further increase in illegal and undocumented migrants. Urging States to ratify the International Convention on the Protection

of the Rights of All Migrant Workers and Members of Their Families, she wondered why the rights of migrants were accorded such a low priority. That instrument had yet to enter into force, having received only 16 ratifications, whereas the recently adopted Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Crime, had received widespread support.

36. Persons tricked, sold, coerced and trafficked as part of the labour force or sex trade represented a particularly vulnerable group. The adoption of the Protocol to prevent, suppress and punish the trafficking in human persons was most welcome, therefore, especially since it contained a number of provisions providing for the protection of and assistance to such persons.

37. Refugees and internally displaced persons were also particularly vulnerable to racist abuse. Real political leadership must be exercised in refugee matters so as to give meaningful effect to the right to asylum. Several countries, particularly in Asia, were not parties to the 1951 Convention relating to the Status of Refugees. It was particularly important that Asian States should adhere to the Convention since Asia lacked a regional framework for refugee rights.

38. In Europe, racism and xenophobia were fuelled by restrictive policies that effectively eroded the right to asylum. Some States invoked technical issues to deny protection to refugees, which represented a serious constraint in the protection of victims of racism. Thus, for example, they differentiated between State and non-State persecution. The Commission should express strong support for the theme chosen by the United Nations High Commissioner for Refugees (UNHCR) for the special anniversary year of his Office, namely, "respect".

39. Racial and ethnic conflicts had also exacerbated the internal movement of persons, with many of the world's 25 million internally displaced persons facing ethnic and racial hatred and violence. It was therefore fitting that an inter-agency approach to the protection of such persons was currently being developed.

40. On the movement of information, the report raised the urgent need to address the misuse of the Internet for racist ends, as well as related issues of freedom of expression.

41. With regard to the movement of capital, she had met business and trade-union leaders during the World Economic Forum at Davos and elsewhere to discuss how the private sector might best contribute to eradicating racism.

42. The report also highlighted the gender dimension of racial discrimination. In elaborating their national policies, States should pay special attention to the specific needs of vulnerable women, such as women victims of conflict, indigenous women, refugee women, migrant women, and trafficked women. She was heartened by the recent judgements of the International Tribunals for Rwanda and for the Former Yugoslavia, which had drawn attention to the fact that women were often deliberately targeted for violence. The recent convictions of rape and enslavement as crimes against humanity served as a reminder that impunity for such crimes would not be tolerated by the international community.

43. The report also examined the issue of youth and racism. Too many children were being deprived of basic education, health care, food, or adequate housing on racist grounds.

44. No region, country, or community could fairly claim to be free from intolerance. The struggle against racism was a struggle for all nations, both large and small. Each State must undertake a review of its laws and policies to eliminate discrimination and to ensure the availability of remedies and complaints mechanisms. Each State should establish relevant institutions and develop education and training programmes to foster tolerance and appreciation of diversity as part of its efforts to eliminate racism.

45. The best contribution States could make to the World Conference was to take immediate action to eliminate the suffering of victims of racism, so that their achievements could be celebrated at Durban.

46. The annex to the report contained a summary of the country missions she had undertaken to the Democratic Republic of Congo, China, Venezuela, Mexico, and Colombia.

47. Mr. FUTRAKUL (Thailand), having expressed his regret at the High Commissioner's decision not to seek a further term of office, especially since her visit to Thailand the previous month had helped raise awareness of human rights in the country and region, said that his delegation shared the High Commissioner's concern at the seriousness of the multifaceted problems of racism, aggravated as they were by globalization. The linkage between increasing third-world impoverishment and global migration had been observed to be a trigger for racial violence and discrimination. "Freedom from want" was, indeed, inextricably linked to "freedom from fear".

48. In Thailand, a national committee had been established to consider the country's accession to the International Convention on the Elimination of All Forms of Racial Discrimination which was expected before the World Conference. The new Constitution gave effect to the letter and spirit of the Convention and mandated the elaboration of a national plan of action as well as the establishment of an ombudsman and a national human rights commission. The country had also hosted the Ninth Workshop on the Promotion and Protection of Human Rights to support the efforts of the Office of the High Commissioner for Human Rights (OHCHR) in the region.

49. Human rights courses had been incorporated into university curricula, and a course on international humanitarian law included in the curriculum of the military academy. Further courses were also being developed for elementary and high schools. Education was the key to resolving and preventing problems associated with racism and racial discrimination, but international assistance was required. As President Mandela had put it, developing countries should not be forced to choose between books and bread.

50. Although action had to begin at home, global governance also needed to be strengthened and the international decision-making processes made more inclusive. In particular, coordination between the United Nations system and the Bretton Woods institutions should be further enhanced to ensure that development activities incorporated a human rights perspective and took account of the rights of minorities.

51. If human rights were to be promoted and protected, preventive as well as curative measures were needed. In view of the importance of the "politics of cooperation" as opposed to the "politics of name and shame", there must be civil dialogue between all the parties concerned.

52. Mr. LIU Xinsheng (China) welcomed the work of the High Commissioner, particularly the emphasis she laid on the equal importance of both categories of human rights and her appeals for cooperation instead of confrontation between States on human rights issues. The importance she attached to economic, social and cultural rights was fully in line with the concerns of the developing countries, as well as being conducive to international dialogue and cooperation. OHCHR must abide strictly by its mandate if it was to ensure the continued trust and support of the Member States.

53. His delegation supported the High Commissioner's visit to Palestine in accordance with the Commission's resolution at its special session on the Question of Palestine. The regional preparatory meetings for the Durban Conference were complete and the drafting of the final document had entered a critical stage. In that connection, the High Commissioner should step up her exchanges with Member States to ensure that the Conference would reflect a plurality of views.

54. His Government had always held the view that the protection and promotion of human rights should be realized through international cooperation on the basis of equality and mutual respect. A memorandum of understanding on technical cooperation in the field of human rights had been signed with OHCHR on the occasion of the High Commissioner's visit to China in November 2000. The first cooperation project thereunder - a workshop on the punishment of minor crimes - had been successfully held in Beijing in February 2001. His Government was committed to continued cooperation with OHCHR.

55. Mr. LITTMAN (World Union for Progressive Judaism) said that the report of the High Commissioner on the question of the violation of human rights in the Occupied Arab Territories, including Palestine (E/CN.4/2001/114) referred in paragraph 24 to the problem of hate speech and incitement, including the "numerous examples" which had been cited to the High Commissioner during her visit, with evidence being "clearly visible on the walls of Palestinian houses" (para. 24). The report also stated that the High Commissioner had been "shocked by calls broadcast on Palestinian television and radio urging the killing of all Jews".

56. The grave problem of "hate speech" had also surfaced in the Palais des Nations during the annual Special Meeting of the International Day of Solidarity with the Palestinian People. The Observer for Palestine had delivered his usual tirade to the effect that a group of criminal gangs from various areas of the world had come to Palestine to set up a State and that the State in question had, since 1948, continued to commit crimes before the eyes of the world. Such a racist remark would encompass not only the Jewish survivors of the Holocaust in Europe, but also a million Jewish refugees fleeing pogroms and persecution and fearing for their future in Arab countries and Iran. Some 350,000 had found refuge in Europe and the Americas, with 650,000 returning "by right and not on sufferance" to their ancestral homeland, as recognized by the League of Nations and, subsequently, by the United Nations.

57. Unchecked, the Observer for Palestine had proceeded to indulge in more abject calumny reminiscent of former blood libels and anti-Jewish hatred. He had even claimed that Israel had attempted to assassinate the High Commissioner. If there was no truth in such an allegation, he wondered why it had not been opposed and the speaker called to order, as would have been done automatically regarding similar mendacity targeting another State, particularly by an Observer.

58. He called upon the High Commissioner to inform the Commission directly whether that libellous accusation had been substantiated by the official inquiry and, if not, what was being done to wipe out the stain on the Organization's reputation of having allowed a crude falsehood to remain unchallenged for nearly four months. The High Commissioner should either confirm the allegation if indeed there was proof, or correct such ignominious "hate speech and incitement" which deliberately targeted a specific group (the Jews), as well as a Member State of the United Nations (Israel).

The meeting rose at 4.40 p.m.